

Ms. Eventa A. Gonsalves with Mr. Reyden L. Gonsalves, for Plaintiff.
Ms. Sonali Chitre, for Defendants.

DATE: 20th JUNE, 2017

1. The above Notice of Motion is taken out for the following reliefs :

"(a) that the order dated 10-10-2016 passed by His Lordship Justice S.J.Kathawalla in Notice of Motion No.2266 of 2015 be reviewed;

(b) that the Defendant be ordered and directed to pay to the Plaintiffs the aggregate sum of Rs.78,86,251.54 being the arrears of maintenance charges and property taxes in respect of the suit premises for the period from 28-04-2007 to October 2016 as per the statement annexed at Exhibit C hereto and the Defendant be directed to pay the further monthly maintenance to the Plaintiffs in respect of the suit premises;

(c) that the Defendant be ordered and directed to pay to the Plaintiff the balance consideration of Rs.22,50,000/- together with interest thereof @ 18% p.a. from 28-04-2007 till October 2016 aggregating to Rs.1,22,83,194.66 ps and further interest @ 18% p.a. on

Rs.22,50,000/- from the month of November 2016 till payment as per statement annexed at Exhibit D hereto;"

2. As far as prayer clause (a) is concerned, the order passed by this Court dated 10-10-2016 was by consent and the question of reviewing the same does not arise.
3. As far as prayer clause (b) is concerned, if the Defendant has breached any of the undertakings recorded in the said order dated 10-10-2016, the Plaintiffs shall be at liberty to take out appropriate proceedings.
4. As far as prayer clause (c) is concerned, it is submitted on behalf of the Plaintiffs that by mistake, an amount of Rs.22,50,000/- payable by the Defendant to the Plaintiffs was not mentioned in the Consent Terms. If that be so, the Court cannot assist the Plaintiffs in any way. As stated earlier, the order dated 10-10-2016 was passed by consent of the parties wherein the parties have clearly agreed that save and except what is agreed and recorded in the said order, the parties shall have no claim of whatsoever nature against each other.
5. The Notice of Motion is accordingly disposed of.

(S.J.KATHAWALLA, J.)